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<PREAMB>

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket FAR 2012-0080, Sequence 7]

Federal Acquisition Regulation; Federal Acquisition Circular
2005-62; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of a final and interim rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rules agreed to by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) in this Federal Acquisition Circular (FAC) 2005-62. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at <http://www.regulations.gov>.

DATES: For effective dates and comment dates see separate documents, which follow.

FOR FURTHER INFORMATION CONTACT: The analyst whose name appears in the table below in relation to each FAR case. Please cite FAC 2005-62 and the specific FAR case numbers.

For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202-501-4755.

List of Rules in FAC 2005-62

| <u>Item</u> | <u>Subject</u> | <u>FAR Case</u> | <u>Analyst</u> |
|-------------|---|-----------------|----------------|
| I | Updates to Contract Reporting and Central Contractor Registration | 2010-014 | Loeb |
| II | Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements | 2012-010 | Corrigan |
| III | Free Trade Agreement—Panama | 2012-027 | Davis |

SUPPLEMENTARY INFORMATION: Summaries for each FAR rule follow. For the actual revisions and/or amendments made by these FAR cases, refer to the specific item numbers and subjects set forth in the documents following these item summaries. FAC 2005-62 amends the FAR as specified below:

Item I—Updates to Contract Reporting and Central Contractor Registration (FAR Case 2010-014)

GSA, DOD, and NASA published a proposed rule in the Federal Register at 76 FR 73564 on November 29, 2011 to revise the practice for and limit the use of generic Data Universal Numbering System (DUNS) Numbers, update policies on reporting into the Federal Procurement Data System (FPDS), and revise clauses for Central Contractor Registration (CCR) and DUNS Number reporting. The rule

increases transparency by reducing the use of generic DUNS, but may require more small businesses to register in CCR. The rule clarifies that non-appropriated fund awards will generally not be included in FPDS. The rule also clarifies requirements for agencies to submit and review contract action reports in FPDS. This rule uses the existing term "Central Contractor Registration" rather than "System for Award Management," because FAR Case 2012-033 will address the terminology update to "System for Award Management" throughout the FAR.

Item II—Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements (FAR Case 2012-010)

This interim rule amends the FAR to implement section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), as amended (10 U.S.C 2304 note). Section 801 requires compliance certifications by non-defense agencies that purchase on behalf of DoD, and clarifies which DoD laws and regulations apply. The agencies must comply with new FAR subpart 17.7, in addition to complying with FAR subpart 17.5. To provide clarification for small business and contracting officers, existing policy for small business goal credit for assisted acquisitions is added to section FAR 4.603(c).

Item III—Free Trade Agreement—Panama (FAR Case 2012-027)

This interim rule implements a new Free Trade Agreement with Panama (see the United States–Panama Trade Promotion Agreement Implementation Act (Pub. L. 112-43) (19 U.S.C. 3805 note)).

This Trade Promotion Agreement is a free trade agreement that provides for mutually non-discriminatory treatment of eligible products and services from Panama. This interim rule is not expected to have a significant economic impact on a substantial number of small entities.

Dated: November 9, 2012

LAURA AULETTA,
Director,
Office of Governmentwide
Acquisition Policy,
Office of Acquisition Policy,
Office of Governmentwide Policy.

Federal Acquisition Circular (FAC) 2005-62 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-62 is effective **[insert date of publication in the Federal Register]**, except for Item I which is effective **[insert date 30 days after publication in the Federal Register]**.

Dated: November 6, 2012.

Richard Ginman,
Deputy Director, Defense
Procurement and Acquisition Policy

Dated: November 5, 2012.

Joseph A. Neurauter,
Senior Procurement Executive/Deputy CAO,
Office of Acquisition Policy,
U.S. General Services Administration.

Dated: November 5, 2012.

William P. McNally,
Assistant Administrator for Procurement,
National Aeronautics and Space Administration.

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